

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PAUL MEDINA,

Petitioner,

v.

No. CV 21-658 WJ/CG

UNITED STATES,

Respondent.

ORDER TO CURE DEFICIENCIES

This matter is before the Court on Paul Medina's *pro se Petition for Writ of Habeas Corpus* (the "Petition"), (Doc. 1), filed July 16, 2021. Mr. Medina is a federal pretrial detainee. See *USA v. Medina*, 1:21-cr-0856 JCH. The Petition alleges that certain elected officials in New Mexico failed to obtain surety bonds to "perfect their oaths of office." (Doc. 1 at 1). He contends "this case must be immediately dismissed because the arresting sheriff has no jurisdiction to make arrests." *Id.* The Petition does not specifically cite the pending federal case, 1:21-cr-0856 JCH. Mr. Medina is likely referring to that case, as the Petition names the United States as Respondent. However, the record reflects a federal agent for the Bureau of Alcohol, Tobacco, and Firearms arrested Mr. Medina in the federal case, rather than a state sheriff. (Doc. 4 in 21-cr-0856 JCH).

To obtain clarification, the Court will direct Mr. Medina to re-file his claims on the proper 28 U.S.C. § 2241 habeas form by **August 20, 2021**. Mr. Medina should specify whether he is challenging his state or federal pretrial detention and include the criminal case number. By the same deadline, Mr. Medina must prepay the \$5.00 habeas filing fee or, alternatively, file a motion to proceed *in forma pauperis* along with an inmate

account statement. The failure to timely comply with both directives will result in dismissal of this case without prejudice and without further notice.

IT IS THEREFORE ORDERED that by **August 20, 2021**, Mr. Medina shall: (1) refile his claims on the proper § 2241 habeas form; and (2) prepay the \$5.00 habeas filing fee or, alternatively, file a motion to proceed *in forma pauperis* along with an inmate account statement.

IT IS FURTHER ORDERED that the Clerk's Office shall **MAIL** Mr. Medina a blank habeas petition under 28 U.S.C. § 2241 and a blank *in forma pauperis* motion.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE